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In re Application of  
FOWLER *et al*  
U.S. Application No.: 10/578,735  
PCT No.: PCT/US2004/038414  
Int. Filing Date: 16 November 2004  
Priority Date: 17 November 2003  
Attorney Docket No.: 70333/UST  
For: EMULSIFIABLE CONCENTRATES  
CONTAINING ADJUVANTS

**DECISION ON  
PAPERS FILED  
UNDER 37 CFR 1.42**

This is a decision on the declaration filed on 18 May 2007 which has been treated as a petition under 37 CFR 1.42. No fee is required.

**BACKGROUND**

On 21 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond.

On 18 May 2007, applicants submitted a declaration signed by three of the four inventors and four legal representative of the deceased inventor, Hans Walter Haesslin.

**DISCUSSION**

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The citizenship, residence and address of all inventors are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Moreover, the citizenship, residence and address of the three legal representatives of the deceased inventor are recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

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**CONCLUSION**

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 November 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 May 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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